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May 18, 2000

Richard J. Kissel, Esq.  
Gardner, Carton & Douglas  
Quaker Tower, Suite 3400  
321 North Clark Street  
Chicago, IL 60610-4795

Dear Mr. Kissel:

Tuesday I telephoned you and left a message asking you to return my telephone call regarding your firm's letter to the United States Environmental Protection Agency (hereinafter "EPA") on behalf of the Village of Sauget. The letter is dated March 27, 2000, from your firm's Roberta M. Saielli to EPA's Tom Martin. Yesterday you returned my call and we discussed your client's environmentally related concerns which you articulated as centered on three items.

The three items which you set forth as information that you asserted had not been provided to the Village are:

- What engineering firm is collecting samples in Dead Creek? Where are the samples being collected and what are the results of such sampling?
- What are the standards for removal of sediments from the creek bed?
- What firm is designing the construction of the containment cell that is proposed to be constructed on Solutia's real property parcel which is partially in the Village of Sauget and partially in the Village of Cahokia?

Below are responses to your requested information. Please keep in mind that, to our knowledge, U.S. EPA has not yet determined that the removal action regarding the creek sediments is appropriate because of an imminent and substantial endangerment to public health or welfare. Until we receive word that the agency has made such a determination, none of the proposals which Solutia has made regarding the work are approved or accepted by the agency. Once the agency determines that there is an imminent and substantial endangerment that needs to be addressed, Solutia will draft a work plan and move forward if so ordered.

You asserted that the Village has a request to Solutia for data of the sampling and that it refuses to provide such to the Village. Please be advised that following a Village request in October 1999, Solutia has provided to the Village of Sauget each Monthly Report it provides to the EPA. The last Monthly Report was by letter dated April 10, 2000. The April Monthly Report was timely submitted and included three sets of data. From our conversation this data is of the character you requested of EPA and of the nature you requested from me. The data is pursuant to the Support Sampling Plan required by the administrative order issued to Solutia by EPA. One set is data on undeveloped area soil samples pursuant to sections 7.1, 7.2, and 7.5 of the Support Sampling Plan, prepared pursuant to the government's Order. The second set of data was for shallow groundwater samples pursuant to section 6.5.4.1. The final set of samples in that Monthly Report was for the extent of site specific migration in Dead Creek pursuant to section 8.4. The sample data was prepared by O'Brien & Gere Engineers Inc. as set forth on the data package. I am surprised that if you actually asked EPA for this data that it did not offer to provide

such to you. The Village of Sauget is shown as a cc: on the transmittal to EPA and it also receives such submissions.

What are the standards for removal of sediments? The standards for removal of soil sediments from the creek bed which the EPA is considering including in a Unilateral Administrative Order are:

- Origin - non-native vs. native sediments;
- Stratigraphy - sediments/soil boundary;
- Color - sediment color versus creek bottom soil color; and
- Physical characteristics

What firm is designing the containment cell? On February 29, 2000, the EPA held a public meeting in Sauget at its Village Hall where it presented information on the construction of the containment cell, materials of construction, design features, protective redundant features including leak detection and leachate pump-out. A similar public meeting occurred in the Village of Cahokia on January 25, 2000. At that meeting Richard Williams, Ph.D., P.E, presented an in-depth description of the containment cell design and answered questions from the audience. Dr. Williams is President, R.S. Williams & Associates Inc., Consulting Engineers. EPA was present at the meeting and introduced Dr. Williams to explain the containment cell concept. The designer contractor of the containment cell is URS Greiner Woodward Clyde to which Williams & Associates will consult.

Dick, the above information is publicly available and has been presented to the Village in a meeting with it and in public meetings or sent to the Village by Solutia. It appears obvious to me that your firm was without knowledge of the public meetings and the Monthly Reports sent concurrently to EPA and to the Village, including all the Monthly Reports that Solutia has provided to EPA pursuant to an administrative order. In addition to the Village's receipt of the Monthly Report information, such Reports have also been, and will continue to be submitted to the Mayor of Cahokia, the Illinois EPA, the U.S. Army Corps of Engineers, and the U. S. EPA. I further presume EPA is depositing the information in the Sauget Sites 1 & 2 information repositories in Cahokia at its public library and at the U.S. EPA Records Center (7th Floor) in Chicago. In an EPA "fact sheet", published February 2000, by EPA's Region 5, it denotes U. S. EPA Contacts as Leo Rosales, Community Involvement Coordinator; Mike McAteer, Remedial Project Manager and Kevin Turner, On Scene Coordinator. Perhaps they are appropriate contacts for the Village of Sauget to make at EPA relative to the technical type of information regarding the Sauget Sites.

Sincerely,

Brent J. Gilhousen  
Assistant General Counsel  
Environmental

Enclosure

cc: Tom Martin, Esq., - U.S. EPA  
Roberta Saielli, Esq.